

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

September 7, 2004
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Noble, and Councilmembers Balducci, Chelminiak, Davidson, and Degginger

ABSENT: Councilmember Lee

1. Call to Order

The meeting was called to order at 8:04 p.m. by Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Mr. Lee were present. Councilmember Degginger led the flag salute.

3. Communications: Written and Oral

- (a) Jeff Bowman, PACCAR, asked Council to amend proposed Ordinance No. 5542 in order for the existing PACCAR signage to be declared conforming.
- (b) Al Close, Symetra Financial, expressed support for Ordinance No. 5542. However, he encouraged Council to allow internal illumination because halo lighting causes unwanted reflection on glass/mirrored buildings.
- (c) Leslie Lloyd, Bellevue Downtown Association, expressed support for Ordinance No. 5542 and encouraged Council to leave the choice about sign types up to the applicant. She noted additional concerns in her letter to Council.
- (d) A youth representative of Bellevue Youth Theatre invited Council and the public to the Cabaret Concert benefit event on Saturday, September 18, at 8:00 p.m.
- (e) Richard Willard, representing the 108th Avenue SE Neighborhood Association, submitted a letter expressing opposition to the proposed ordinance to allow upper level signage on downtown high-rise buildings.

- (f) Jim Hutchinson, Puget Sound Energy, discussed the natural gas fire in Spiritridge last week. Investigators have determined this was an isolated incident and residents have no reason to be concerned regarding the integrity of the gas line. A joint community meeting with Bellevue Fire Department is scheduled for 7:00 p.m. on Thursday, September 9 at Robinswood school cafeteria. Additional information is available at www.pse.com or by calling 1-800-424-5555.
 - (g) Arlene Darby distributed information regarding Anna Mickelson, a Bellevue resident who recently participated in the Olympics on the U.S. women's rowing team. She commended Bellevue High School's football team for their win over De La Salle High School from Concord, California, which had not lost a game since 1991.
- 4. Reports of Community Councils, Boards and Commissions: None.
 - 5. Report of the City Manager

Steve Sarkozy, City Manager, announced the upcoming Downtown Bellevue Design Charrette scheduled for September 17 and 18. Dan Stroh, Planning Director, said City staff, local architects, and Bellevue Downtown Association will work together to review the urban design principles from the Downtown Implementation Plan and develop specific ideas for implementation. A pre-charrette talk by Fred Kent, Project for Public Spaces, will be held on September 14 at 7:30 p.m. in Bellevue Art Museum auditorium. Mr. Stroh thanked the urban design professionals who will be donating their time to participate in this planning event.

Mr. Sarkozy highlighted Agenda Item 8(n) providing for the construction of additional restrooms at Bellevue Downtown Park.

6. Council Business

Dr. Davidson attended the Environmental Services Commission meeting.

Ms. Balducci acknowledged the many emails to Council praising Bellevue's Farmers Market on Thursdays, 11:00 a.m. to 3:00 p.m., at First Presbyterian Church on Bellevue Way. She thanked Lori Taylor for coordinating the market's operation. Ms. Balducci will begin serving on the Association of Washington Cities' (AWC) Legislative Committee in October.

Mr. Degginger described his visit to the Spiritridge neighborhood following the recent explosion and fire. He praised residents for looking out for each other and City staff for their response to the incident.

Mr. Chelminiak attended the Wilburton community picnic in recognition of the neighborhood's centennial year. He served as a judge for Home Street Bank's community housing awards, which are \$10,000 grants to housing organizations to be announced soon. Mr. Chelminiak praised the performance of Bellevue High School's football team and band at the game against De La Salle.

Deputy Mayor Noble attended meetings of the Eastside Transportation Partnership and a King County Council event at Bellevue Art Museum.

Mayor Marshall read a selection of emails and letters from citizens. Wayne Penner sent a letter of appreciation along with a check for \$150 to buy Bellevue police officers either lattes or cake for breakfast. Scott and Jean Carpenter sent a thank-you letter to Bellevue Fire Department for its recent response to Mr. Carpenter's heart attack. Norma and Al Slaton thanked the Fire Department and Police Department for the speedy, professional, and caring response to a fire at their home.

7. Approval of the Agenda

➡ Deputy Mayor Noble moved to approve the agenda, and Mr. Degginger seconded the motion.

➡ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

➡ Mr. Noble moved to approve the Consent Calendar, amended to postpone Agenda Item 8(g) for consideration in the future. Mrs. Marshall seconded the motion.

➡ The motion to approve the amended Consent Calendar carried by a vote of 6-0, and the following items were approved:

- (a) Minutes of July 19, 2004 Study Session
Minutes of July 19, 2004 Regular Session
Minutes of July 26, 2004 Extended Study Session
Minutes of July 29, 2004 Special Meeting
Minutes of August 2, 2004 Study Session
Minutes of August 2, 2004 Regular Session
Minutes of August 3, 2004 Special Meeting (Budget Retreat)
- (b) Resolution No. 7063 authorizing execution of the 2004 Amendment to the I-90 Memorandum of Agreement.
- (c) Ordinance No. 5543 authorizing execution of a Homeland Security Subgrant Agreement with King County to accept grant funds for two projects in the amount of \$403,290; establishing projects within the Operating Grants and Donations Fund; amending the Operating Grants and Donations Fund by appropriating additional revenues to those funds; authorizing expenditures of said grant funds; and authorizing interfund loans.
- (d) Resolution No. 7064 authorizing execution of a professional services agreement with Mayes Testing Engineers, Inc., in an amount not to exceed \$193,403 for special testing and inspection services required for the New City Hall.

- (e) Resolution No. 7065 authorizing execution of a Parking Agreement and Covenant with King County/Metro in consideration of the relinquishment of their Public Transportation Easement Reservation within the City's future right-of-way on 110th Avenue NE as part of the redevelopment of the New City Hall.
- (f) Resolution No. 7066 authorizing the City Manager or his designee to execute a Declaration of Right of Way and Reservation of Sidewalk, Utilities, Lighting and Landscaping Easement over Parcel 1 and Parcel 2 of Short Plat SP 81-17, New City Hall, in connection with Transportation Department. (CIP Plan No. PW-R-139, 110th Avenue NE between NE 4th and NE 6th Streets.)
- (h) Resolution No. 7068 authorizing execution of an agreement with Preston Gates & Ellis LLP to provide bond counsel services.
- (i) Motion to approve payment of claims for the period July 31 through August 27, 2004, and payroll for the period of July 16 through August 15, 2004.
- (j) Resolution No. 7069 authorizing execution of a memorandum of understanding with Public, Professional & Office-Clerical Employees and Drivers Union No. 763 representing the Police Clerical and Communications Employees to extend the terms of the labor agreement to a limited term employee performing office assistant work.
- (k) Resolution No. 7070 authorizing execution of a 2004 through 2006 successor labor agreement at an increased cost of approximately \$1.7 million over a three-year term with the International Association of Firefighters Union, Local 1604, representing firefighters.
- (l) Resolution No. 7071 authorizing execution of a professional services agreement with Paladin Data Systems in an amount not to exceed \$330,400 over a two-year period for monitoring and maintenance of existing databases and implementation of new ones.
- (m) Resolution No. 7072 authorizing execution of an annual support agreement with Microsoft Inc. for an amount not to exceed \$68,000 to provide technical support and consultation for all Microsoft software products.
- (n) Motion to award Bid No. 0442 for construction of the restroom building at Bellevue Downtown Park to Regency NW Construction, Inc. as low bidder in the amount of \$180,942. (CIP Plan No. P-R-11)
- (o) Resolution No. 7073 authorizing execution of a purchasing contract with Braun Northwest, Inc., in the amount of \$200,948 for the design, build, and delivery of a bomb truck for the Bellevue Police Department, utilizing grant funds previously approved by King County and accepted by Bellevue City Council, and using MERF reserves.

- (p) Ordinance No. 5544 authorizing execution of a grant agreement (and supplements, if necessary) with the Washington State Department of Transportation (WSDOT) for the acceptance of \$124,950 in state 2004 Supplemental Transportation Appropriation funding through the Safe Routes to School Program; amending the 2003-2009 General Capital Investment Program (CIP) Plan to increase the appropriation to the CIP and to increase the 164th Avenue NE sidewalk project budget (PW-WB-66) by \$116,000; and amending the Operating Grants and Donations Fund by \$8,950 for pedestrian safety awareness at Sherwood Forest Elementary School.
- (q) Resolution No. 7074 authorizing execution of a professional services agreement with SvR Design Company, Inc. in an amount not to exceed \$230,000 for engineering services for preliminary design of 145th Place SE (SE 8th Street to SE 24th Street) and SE 22nd Street. (CIP Plan No. NIS-1, NIS03T002)
- (r) Ordinance no. 5545 authorizing and providing for the acquisition of interest in land for the purpose of improving 150th Avenue SE from SE 38th Street to SE Newport Way as part of CIP Plan No. PW-R-105, 150th Avenue SE Improvements, Phase 1, providing for condemnation, appropriation, taking and damaging of land and property rights necessary therefore; providing for the cost thereof and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.
- (s) Motion to award Bid No. 0402 for the construction of a new sidewalk and planter strip on the north side of NE 8th Street (96th Avenue NE to 98th Avenue NE) to Dennis R. Craig Construction, Inc. as low bidder in the amount of \$189,467. (CIP Plan Nos. NEP-1 and PW-W/B-56)
- (t) Motion to award Bid No. 0439, Water Security Enhancement Project – Phase 2, to Thomas Steenmeyer Co., Inc. as low bidder in the amount of \$50,592. (CIP Plan No. W-95)
- (u) Resolution No. 7075 authorizing granting an easement across a portion of Tract C, Somerset north slope, to Puget Power for the installation of a portion of an electrical power transmission/distribution system.

Item Postponed for Future Action:

- (g) Resolution No. 7067 authorizing execution of a Settlement Agreement accepting the amount of \$12,500 in settlement of Diamatsu, Inc., dba Taste of Tokyo vs. City of Bellevue, Moltz Trust, and Michael Stansbury. Cause No. 03-2-32651-8 SEA.

9. Public Hearings

- (a) Public Hearing to receive comments regarding King County Library System's Proposition No. 1 (Capital Replacement Bond Measure) on the September 14, 2004, primary election ballot.

Ballot Title: The Board of Trustees of the King County Rural Library District, doing business as King County Library System, adopted Resolution 2004-03, concerning funding for capital projects at every library throughout the system. This proposition would replace funding previously provided by the 1988 capital bonds and authorize the system to acquire, construct, equip, and furnish new libraries; renovate, expand, and upgrade existing libraries; acquire new books, materials, and equipment; and undertake other capital improvements throughout the system; incur indebtedness, issue no more than \$172,000,000 of general obligation bonds maturing within 20 years, and levy annual excess property taxes to pay and retire such bonds, all as provided in Resolution 2004-03.

Diane Carlson, Director of Intergovernmental Relations, explained that the objective of the King County Library System bond measure is to replace funding from a 1988 capital bond measure for the purposes of acquiring, constructing, equipping, and furnishing new libraries and renovating, expanding, and upgrading existing libraries. If approved, the proposed measure will have an average per household cost that is less for 2005 and future years than the average cost between 1989 and 2004. Proposed uses for the funds include parking expansion and additional community meeting space at Bellevue Regional Library, construction of a new Lake Hills Library, expansion of Newport Way Library (with computers), essential maintenance for Bellevue's libraries, and new automated materials handling for all libraries. The bond measure on the September 14 ballot requires 60-percent approval to pass.

- Deputy Mayor Noble moved to open the public hearing, and Ms. Balducci seconded the motion.
- The motion to open the public hearing carried by a vote of 6-0.
- (1) Scott Leonard, Chair of the Bellevue Library Board, expressed support for the King County Library System bond measure.
- There being no other citizens wishing to speak, Deputy Mayor Noble moved to close the public hearing. Mr. Degginger seconded the motion.
- The motion to close the public hearing carried by a vote of 6-0.

Resolution No. 7076 stating the City Council's support for the King County Library System's Proposition No. 1 (Capital Replacement Bond Measure) on the September 14, 2004, primary election ballot.

Deputy Mayor Noble expressed support for the resolution, noting that libraries contribute to an educated and informed community. He emphasized this is a replacement bond and does not represent a new tax for citizens. He agreed with the need for more parking and meeting facilities

at Bellevue Regional Library, as well as the need to replace Lake Hills Library with a larger facility.

☛ Deputy Mayor Noble moved to approve Resolution No. 7076, and Mrs. Marshall seconded the motion.

☛ The motion to approve Resolution No. 7076 carried by a vote of 6-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 5542 amending the Bellevue City Code to allow signs at the upper levels of high-rise buildings downtown; amending Sections 22B.10.020, 22B.10.025, and 22B.10.030 of the Bellevue City Code; and establishing an effective date. *(Discussed with Council during the July 26 Extended Study Session and August 2 Regular Session.)*

Legal Planner Kate Berens noted a correction to Section 9 of the proposed ordinance. Staff will remove language combining the size allowance per façade of upper level signs with the allowance for lower level signs. This is consistent with Council direction on August 2.

Ms. Berens explained staff's recommendation to delete the last sentence of paragraph (iv) under Section 5(d) (Top of page 11-6 in Council packet).

Turning to lighting, Ms. Berens said the four types of sign illumination are backlighting, internal illumination, external lighting (e.g., spotlight), and exposed lighting sources (e.g., neon). Ordinance No. 5542 proposes to allow backlighting only. Ms. Berens displayed examples of internal illumination and backlighting. She noted the management brief to Council reviewing options for backlit signs on glass or reflective buildings.

Dr. Davidson expressed concern that the 300-square-foot limitation on overall sign size is too small for signage at the top of high-rise buildings. Ms. Berens said the existing Hyatt high-rise sign covers approximately 280 square feet and PACCAR's sign is 130 square feet.

Responding to Mayor Marshall, Ms. Berens said PACCAR occupies 185,000 square feet in its building and therefore does not meet the 200,000-square-foot requirement for displaying an upper level high-rise sign. The next closest square footage for single downtown businesses is 120,000 square feet. If Council wishes to expand the eligibility for signage to include PACCAR, Ms. Berens suggested Council consider decreasing the 200,000-square-foot threshold to 180,000 square feet as the most streamlined approach.

Mayor Marshall spoke in favor of lowering the threshold and noted PACCAR will soon celebrate its 99th year in business.

Responding to Mr. Chelminiak, Ms. Berens said the permit history of the PACCAR and Plaza Center signs is unknown. Both signs were likely in place before the explicit prohibition on high-rise signs. Mr. Chelminiak concurred with Mayor Marshall regarding PACCAR's sign.

Mayor Marshall suggested postponing Council action to allow PACCAR to explore the implications of any policy revisions. Mr. Degginger concurred, noting he would like more time to review the illumination alternatives provided by staff tonight.

➡ Mr. Degginger moved to defer action on Ordinance No. 5542, and Mrs. Marshall seconded the motion.

➡ The motion to defer action on Ordinance No. 5542 carried by a vote of 6-0.

Mayor Marshall requested clarification of illumination alternatives 1 and 2 as well as pictures depicting the two alternatives. She asked staff to work with PACCAR regarding a potential revision to include its building and signs in the regulations.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:08 p.m., Mayor Marshall declared the meeting adjourned.

Myrna L. Basich
City Clerk

kaw